MULTIMEDIA UNIVERSITY

# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

## TRIMESTER 2, 2018/2019

## EHM3106 – LAW FOR ENGINEERS
( ME/RE/TE )

15 MARCH 2019
3.00 p.m. – 5.00 p.m.
( 2 Hours )

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## INSTRUCTIONS TO STUDENTS

1. This question paper consists of 3 pages with 4 questions only.

2. Attempt **ALL** questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

## Question 1

The law of Malaysia is mainly based on the common law legal system. The supreme law of the land is the Federal Constitution which sets out the legal framework and rights of all Malaysian citizens. Federal Constitution and legislation are applicable throughout the country, whereas the state laws and regulations are applicable in each respective state. Briefly explain the terms public law, private law, legislation, subsidiary legislation, English law and judiciary decision.

[25 marks]

## Question 2

a) Simon was selling vacuum cleaners from door-door in Taman Krubong. On one weekend he saw Karim drying and beating his carpets in the hot sun. Simon came over and invited Karim to have a look at his vacuum cleaners assuring Karim that his vacuum cleaner is powerful enough to clean the carpets. Karim asked Simon whether the vacuums were rugged enough to do the work. Simon told Karim that his vacuums work wonders. So Karim bought one vacuum cleaner. Shortly after Simon left, Karim plugged in the vacuum cleaner and started to vacuum his carpets. At the beginning it worked well but after a while the vacuum's motor suddenly blew up. Advise Karim and decide who will likely prevail.

[15 marks]

b) In tort law, strict liability is the imposition of liability on a party regardless of faults. The claimant needs only prove that the tort occurred and that the defendant was responsible. The law imputes strict liability to situations it considers to be inherently dangerous. Explain your understanding of the doctrine of strict liability, its application and how a strict liability case (e.g., defective product) can be defended.

[10 marks]

## Question 3

a) Cybercrimes are in the increase and seem to be gaining momentum for many reasons. Cybercrime may threaten a person, in particular, a nation's security and financial institutions. The Computer Crime Act 1997 was enacted to provide for offences relating to the misuse of computers. The Act criminalises some acts and provides for punishment. Define computer crime and identify the offenses categorized in the Computer Crime Act 1997 and the penalty imposed. Illustrate with two examples of successful prosecutions under the Computer Crimes Act 1997.

[15 marks]

b) Engineers are involved in many inventions from automobiles to airplanes, fibre optics, computers and internet. The purpose of patent is to establish ownership of its intellectual property. Elaborate the definition of novelty, the patentability criteria of inventions, and non-patentable inventions.

[10 marks]

**Continued ....**

## Question 4

Ahmad is a professional engineer. He is employed as a Civil Engineer with the state Public Works Department. He is posted as a resident engineer in-charge of irrigation and drainage in Taiping Town. He is the only licensed professional engineer posted in Taiping local authority. Taiping Town has several large food processing plants. Occasionally, these food processing plants discharge large amounts of food waste sewage into Taiping sanitary system, in particular, during canning season. The food waste from these processing plants flows into the nearest sewerage pipeline system. All the food waste from different sewerage pipelines is directed into Taiping main sewage treatment plant.

Ahmad is responsible for the maintenance of Taiping main sewage treatment plant. He is directly responsible and report to Taiping Assistant District Officer (ADO). Ahmad is assisted by a technical assistant by the name of Muthu.

During the course of his employment, Ahmad notifies the ADO of the capacity problem of the main sewage treatment plant that it cannot handle high volume inflow of food waste, in particular, during the rainy season. He proposes a few alternatives to overcome the problem to the ADO. The ADO tells Ahmad that "Not to worry. We will face the problem when it comes". The ADO also informs Ahmad to only discuss the problems with him and not with others. Without ADO's knowledge Ahmad discusses the problem privately with other members of the Taiping Council.

The ADO comes to know that Ahmad has been telling other Taiping Council members and the ADO decides to remove Ahmad from the responsibility of the main sewage treatment plant. The ADO hands a letter of instruction to Muthu instructing Muthu to take over the responsibility of the main sewage treatment plant and requests Muthu to report to him directly. Muthu asks for a confirmation and again the ADO gives him a memo. Now Muthu is completely in-charge of the main sewage treatment plant and directly report to the ADO. Ahmad also receives a copy of the memo. In addition, Ahmad is placed under observation and ordered not to discuss this matter further, otherwise he will be terminated. Ahmad continues in his capacity as Civil Engineer. As he feels he still has the responsibility on the main sewage treatment plant, Ahmad continues to advise Muthu without the knowledge of the ADO.

During the coming canning season it coincides with the rainy spell. There are storms followed by heavy rain in Taiping town and the surrounding area. It becomes obvious that immediate action has to be taken to divert the rain water and food sewage in the main treatment plant to the local river. If the rain water and food sewage is not released to the local river, the sewage will overflow and flood the town. Under the state law, this critical situation needs to be reported immediately to the state Department of Environment, that is, the department responsible for monitoring and overseeing the environment quality.

Discuss the ethical obligations of Ahmad.

[25 marks]

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